



STATE OF DELAWARE  
**STATE FIRE PREVENTION COMMISSION**  
DELAWARE FIRE SERVICE CENTER

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DOVER, DELAWARE 19904

## **STATE FIRE PREVENTION COMMISSION**

Monthly Meeting

December 17, 2019

### **MEMBERS PRESENT**

Ron Marvel, Chairman  
Alan Robinson, Jr., Vice Chairman  
David Roberts  
Lynn Truitt  
William C. Kelly  
Joseph J. Leonetti, Sr.  
Bill Betts

### **ALSO PRESENT**

Joseph C. Handlon, Deputy Attorney General  
Patrick Matthews, BLS Medical Director - absent  
Sherry Lambertson, Executive Assistant  
David J. Truax, Investigator/Compliance Officer  
Mike Chionchio, Assistant State Fire Marshal  
Robert P. Newnam, Director, State Fire School

### **GUESTS**

Jay Jones, DVFA  
Ken McMahon, Christiana Fire Company  
Robin Brown, OEMS  
Bradley M. Gosch, Smyrna American Legion  
W. Mike McMichael, DSEMSA  
Warren Jones, DVFA  
Anthony Spiezio, DTI  
Richard Toulson, Seaford Fire Company  
Michael Bundek, Saint Francis Hospital

### **CALL TO ORDER**

Chairman Marvel called the meeting to order at 9:00 a.m.

### **PLEDGE OF ALLEGIANCE**

### **REGULAR BUSINESS**

### **APPROVAL OF NOVEMBER 19, 2019 COMMISSION MEETING MINUTES**

It was moved by Commissioner Roberts, and seconded by Commissioner Truitt that the minutes of the November 17, 2019 Commission meeting be approved. Motion carried by unanimous vote.

### **REPORT OF THE STATE FIRE MARSHAL**

### **INFORMATIONAL ITEMS**

#### **Personnel Items**

The vacant Administrative Specialist I position posting in Kent County was filled two weeks ago. The incumbent is doing a great job.

#### **VMware Update**

The Fire Marshal's Office is working with DTI with regard to the VMware update. This update will allow the office to research the archived incident log information. This will take the place of the current Sales Force program.

#### **Fire Death Sign – Bethany Beach**

The Office of State Fire Marshal was contacted by former Commissioner Daniel Magee to let them know that the Fire Death Sign located in Bethany Beach had been destroyed over time by storms and the salt air over time. Fire Marshal Ingle authorized the purchase of a new sign for a replacement. It was installed by DelDOT last week. Assistant State Fire Marshal Chionchio stated that they will continue to upkeep the other signs statewide as needed.

ATF Advanced Origin & Cause Class

Two Deputy Fire Marshals are going to Huntsville, AL for an ATF Advanced Origin & Cause class.

Incidents of Interest

There have been eleven fire deaths in 2019. Eight of those did have a smoke alarm present and three did not. None of those fires involved a sprinkler system.

There was a fire at WSFS Bank in Hockessin that began by an HVAC system on the roof. It completely destroyed the building.

Asst. Fire Marshal Chionchio reported that the Canby Park fire investigation has been completed. It resulted in the defendant pleading guilty and being sentenced to 30 years in prison for arson and killing three firefighters. There was a lot of support in the investigation and prosecuting process. Fire Marshal Chionchio stated that he is very proud of his staff for the hard work and coordination that it took to investigate and conclude this case. It was 3 years and 3 months to its conclusion. The three families agreed to the plea agreement of 30 years.

DFIRS Incidents Received

| TOTAL STATE PARTICIPATION IN COMPLIANCE |                      |         |          |
|---|----------------------|---------|----------|
| 84 %                                    |                      |         |          |
| DELINQUENT DEPARTMENTS                  |                      |         |          |
| New Castle County                       |                      |         |          |
| Belvedere                               | September - October  |         |          |
| Kent County                             |                      |         |          |
| Cheswold                                | September – October  |         |          |
| Felton                                  | October              |         |          |
| Harrington                              | August – October     |         |          |
| Houston                                 | August – October     |         |          |
| Little Creek                            | July – October       |         |          |
| Magnolia                                | October              |         |          |
| Sussex County                           |                      |         |          |
| Ellendale                               | August – October     |         |          |
| Lewes                                   | October              |         |          |
| Roxana                                  | March, May - October |         |          |
| OVERDUE REPORTS BY DAYS                 |                      |         |          |
| 30 Days                                 | 60 Days              | 90 Days | 90+ Days |
| 3                                       | 2                    | 3       | 2        |

*Source: DFIRS Incidents received as of 11/6/19.*

**REPORT OF THE STATE FIRE SCHOOL DIRECTOR**

**Director**

- National Registry has approved DSFS to administer the cognitive examination
  - Pending Pearson Vue test center application – National Registry fully supports the application
  - DAG has reviewed, provided comments, will reach out to Pearson Vue.
- Student Injury – Vehicle Rescue, cut to thumb, wearing gloves, bandaged no transport.
- One-Year plan status – submitted to Commissioners for review.
- Year End report for 2019 – submitted to Commissioners for review.
- Officer's Speaker's Series will replace the Officer Seminar – January 25<sup>th</sup>
  - Charleston 9 – Dr. David Griffin
- Officer materials format for 2020
- State Clearinghouse review of AFG grant – meeting 12/09/19 – approved

**Director**

- Director Newnam, Patricia Fox and Sherry Lambertson will be meeting with Director Hainsworth this afternoon with regard to the EMS Education Program Administrative Standards and Guidelines. The Commission received two request from Christiana Fire Company. One of the request was to become a training agency and the second request was to run a hybrid EMT course. Both are requested to begin January 6, 2020.

Ms. Lambertson raised some questions in regards to Christiana Fire Company needing to meet some of the requirements to be approved as a training agency. For example, who are their instructors, where are their classes being held, etc. Those questions have not been answered yet, but we expect them to be answered today during the scheduled meeting.

Director Newnam referred to a First Responder Refresher class that was approved by OEMS that has already run in Sussex County. Notice of the class was not submitted to the Commission until just prior of the class running. OEMS allowed the class to run without approval from the Commission. It is a 12 hour class that was completed in one day by the agency providing it. 8AM to 8PM with no breaks and a working lunch. This is another example of what will be discussed at the scheduled meeting. Under the Educational Standards that are approved by the Department of Health/Office of Emergency Medical Services and the State Fire Prevention Commission there should be a dual approval by the Fire Prevention Commission and the Office of Emergency Medical Services. The Commission approvals have been bypassed by OEMS.

Commissioner Roberts asked about the process to approve a training agency. This process should be brought before the Commission prior to any new agency approvals. Director Newnam agrees with that and stated that a teaching agency has not been approved for at least ten years. Director Newnam and Ms. Lambertson agree that the training agency approvals will be submitted to the Commission for approval by Ms. Lambertson at a regular monthly meeting. Agency classes will be reviewed and approved by Ms. Lambertson.

The meeting with OEMS today has been scheduled to discuss the documented concerns that have been raised by Ms. Lambertson regarding class and agency approvals. There has been a lack of response to questions that were presented to OEMS by Ms. Lambertson. Commissioner Roberts stated that he has spoken to Christiana and they have done their due diligence in supplying the required application to OEMS and are waiting for an approval. It appears that the breakdown is OEMS not giving the requested information to the Commission.

Director cont.

Christiana intends to hold a class on January 6, 2020 for University of Delaware students. Commissioner Roberts does not want to approve this agency request without the needed information and also does not want to require the agency to wait until the January Commission meeting for this needed approval and miss the opportunity to reach these students while they are on winter break at the university. He suggested allowing the Chairman to sign off on Christiana Fire Company becoming a training agency if and when the required documentation is received and approved.

Commissioner Leonetti stated that the Commission should see the qualifications of the instructors. He feels that this is important and that they should conform to the requirements of State Fire School Instructors. He asked if it was a new or refresher class. Director Newnam responded that it is a new class. There are questions because it is a hybrid class running from January 6<sup>th</sup> to February 8<sup>th</sup>. It is requested as an online class. We have not received a response from OEMS as to the structure of the class. When Ms. Lambertson questioned how the class could be completed in four weeks. The response from OEMS was the Fire School runs an accelerated program in four weeks. The Fire School does run a four week accelerated class, but it is four weeks in a classroom with direct student content. It may be acceptable once it's reviewed. We've simply not received a response from OEMS showing the format of the hybrid class. We need to review the educational process and know that they are meeting the required standard. No one is questioning if Christiana can be a training agency. The only questions are being asked is if they have met the requirements and been appropriately approved. Ms. Lambertson will review the application package when it is released by OEMS to the Commission office and complete the approval process. We would like to know who information such as who the program manager is and who their instructors are.

Part of the problem that is being faced today is not new. When the DSFS was the certifying agent on behalf of the Commission, they had the same concern with not receiving approval information from OEMS. The Fire School would receive class approval numbers after the classes were completed. They would also receive approval numbers for EMR classes in which the Fire School was supposed to provide the final exam. The approval numbers would still come after the class was complete. Training agencies wanted the Fire School to give them the Protocol Exam with the answer sheet and want to keep it. This isn't how it is supposed to work and the Fire School contended with these concerns over the years. Now there is a new set of eyes on the process with the certification transferring to the Fire Commission office.

Director cont.

Ms. Lambertson has made the decision to follow the policy as it was written and agreed upon since 2008. During the certification last year, it was found that OEMS approved classes that were short of required training hours. There was an EMT Refresher class that was accepted by OEMS that was only 20 hours long. Ms. Lambertson feels that these types of oversight only puts the Commission and the students at a disadvantage. She has been working on this specific concern for over a year without a resolution with OEMS. Ms. Lambertson received an EMT application in February, 2019 with a certificate including an unapproved class. Ms. Lambertson continued to communicate with OEMS without a response of the requested information. A specific class was approved to run bypassing the Commission's request for further information. Because there was a continued lack of resolution, it was determined by email to OEMS that she would not authorize an EMT application to be processed in the office with an unapproved class affiliation on October 29, 2019. Because she has held the agencies to the agreed upon standard, this is what's led to the eventual meeting that will take place later today between OEMS, Fire School and Ms. Lambertson. The Commission will be kept apprised of the meetings outcome.

Chairman Marvel expressed a concern that the Chairman signs each Delaware EMT Card that approves them to work in Delaware. He feels there is no reason for the Commission to not be in the process that is already agreed upon. The Commission should be aware of where classes are taught and who is teaching them.

Commissioner Kelly has faith in Director Newnam and Ms. Lambertson's review of the information after the meeting with OEMS. Yet, he feels it is not necessary to hastily approve an agency application because someone has a class deadline. If this has been dragging on for 10 months and now we suddenly need to be prepared for a class that will begin in three weeks seems to be a challenge for that to happen around the holidays. He's disappointed that OEMS dragged their feet in the requested responses. The Commission needs to be fully comfortable with this agency decision. He's concerned that this is an online EMT class without regular hands on training. He does not feel that you can be a fully trained EMT with all computer training and little to no hands on training. It's important to allow the Director and Ms. Lambertson to review the curriculum and facility requirements. He feels it would be foolish for us to rush through this to meet their deadlines.

Director cont.

Vice Chairman Robinson feels that it appears that OEMS is what is currently holding up the process. Director Newnam stated that the approval can most likely take place once OEMS releases the qualifying application information at the meeting today. The delay that Christiana is facing is not of their own making unless they have not provided the required application information to OEMS. We can only assume that OEMS was provided all of the necessary information because they signed off on the approval. Which means they should have the information that Ms. Lambertson is requesting. If they do not have it after today's meeting, the Commission will correspond directly with Christiana to gather what is required.

Under the Educational Standard application approvals are supposed to go first to the Office of EMS, then to the Fire Commission for approval and back to OEMS. From there it is assigned an approval number to the agency making the request.

It was moved by Commissioner Roberts, seconded by Vice Chairman Robinson to give the Chairman authority to approve Christiana Fire Company as a training agency if the information gathered is determined to fulfill the requirements. Motion carried by a unanimous vote.

**Staff Activities**

- EMS Career Advisory Meeting - December 10<sup>th</sup> – St. Georges High School – Fox
- Mid-Atlantic Fire Safety Conference – Edison, NJ 12/3-4 – Lowe, O'Malley
- Incident Review Presentations – Sussex Fire Chiefs, Station 41 – Dempsey
- Progressive Ag Safety, Ins. Training report – Lowe – Submitted to Commission for review.

**Programs/Courses**

**Figures in red are reference to last year's comparison of class attendance.**

**EMS**

- Current Month
  - CEU programs – 1 programs scheduled
  - EMT practical's completed for the fall classes
  - EMT classes for January – NCD – 30 students, KCD – 11, SCD - 13



### **Public Education and Injury Prevention - Activity Report**

- Current Month
  - Fire Safety Programs – 1 scheduled
  - DSFS Tours – 1 scheduled
  - Injury Prevention Programs – 1 scheduled
- Delaware State Fair booth – 2020 – agreement signed

### **Maintenance – Building and Grounds**

- SCBA service completed on 60 units
- Rest Room projected started – completion date late March
- Roof Project – expected start date in January, weather depending
- New Castle – HVAC project – replacement of original unit is on schedule

### **Financial**

- Past Due Billings
  - 30 days – 38,401.24
  - 60 days – 560.00
  - 120 days – 6,500.00
  - 180 days – 6,420.00
- 20678 Tuition Fund – 783,740.00
  - Accounts receivable – 108,808.00
- Revenue Comparison
  - Tuition – 2019 – 127,515.94, 2018 – 48,123.00
- Special Funds Summary – The Special Funds Summary report was submitted to the Commissioners for review.
- Expenditure Report – The Expenditure report was submitted to the Commissioners for review.

### **Staff and Office Staff Meeting Minutes**

Staff and office staff meeting minutes were submitted for Commission review.

### **Scheduled Activities**

- Director Newnam will be out of the agency on annual leave from December 18<sup>th</sup> – 31<sup>st</sup>.

**REPORT OF THE BLS MEDICAL DIRECTOR**

Dr. Matthews did not have a December report.

**REPORT OF THE INVESTIGATOR/COMPLIANCE OFFICER**

8 Annual Ambulance Unit Inspections  
0 New Unit Inspections  
7 Complaints Received  
7 Arrest Notifications were received.

Request to close case number 1919. It was moved by Commissioner Truitt, seconded by Vice Chairman Robinson to close Case 1919. Motion carried by a unanimous vote.

**REGULAR BUSINESS**

**ACTION ITEMS**

**Case No. 1909 – Request to Lift Suspension**

EMT Anthony Jones came before the Commission under the agreement of a Consent Agreement that he signed six months prior. In that Consent Agreement his Delaware EMT Certification was suspended for one year with the ability to request a lift after six months. Mr. Jones gave testimony to support the lifting of the current status of suspension. Deputy Attorney General Mulveny testified on behalf of the State of Delaware. He testified that Mr. Jones had in fact completed the first six months of suspension and was eligible to request a lifting of that status. Mr. Jones has not incurred any other infractions.

It was moved by Commissioner Roberts, seconded by Commissioner Truitt to convert the suspension of Anthony Jones to probation for the remainder of the Consent Agreement. This will leave Mr. Jones with six months of probation on his DE EMT status. Motion carried by a roll call vote.

|                        |     |                          |     |
|------------------------|-----|--------------------------|-----|
| Commissioner Truitt -  | Yes | Commissioner Betts -     | Yes |
| Commissioner Roberts - | Yes | Commissioner Leonetti -  | Yes |
| Commissioner Kelly -   | Yes | Vice Chairman Robinson - | Yes |
| Chairman Marvel -      | Yes |                          |     |

Odessa Fire Company – Rule to Show Cause Hearing

The Commission held a Rule to Show Cause Hearing for Odessa Fire Company for a late submission of their audit. President Dunkleberger presented the Commission with the background of why the audit submission was delayed. The fire company experienced some internal issues that delayed information getting to their accounting firm. Once the required information was submitted to the accounting firm, they were delinquent in submitting the information to the fire company by the due date of November 15, 2019. It was moved by Commissioner Kelly, seconded by Commissioner Truitt to levy a penalty of \$1,600.00 for Odessa Fire Company's late audit submission. Motion carried by a roll call vote.

|                        |     |                          |     |
|------------------------|-----|--------------------------|-----|
| Commissioner Truitt -  | Yes | Commissioner Betts -     | Yes |
| Commissioner Roberts - | Yes | Commissioner Leonetti -  | Yes |
| Commissioner Kelly -   | Yes | Vice Chairman Robinson - | Yes |
| Chairman Marvel -      | Yes |                          |     |

Establish Scratch Rate for 2020

It was moved by Commissioner Roberts, seconded by Commissioner Betts to continue the scratch rate at 9% for 2020. Motion carried by a unanimous vote.

**NEW BUSINESS**

Seaford Fire Sprinkler Demonstration

Chairman Marvel announced that there will be a Fire Sprinkler Demonstration on January 14, 2020 at 6PM at the Seaford City Hall. This is being conducted by the Chief of Seaford Fire Department and Paul Eichler.

Legislative and Regulation Committee Workshop

Chairman Marvel reported that the Legislative and Regulation Committee Workshop was held at the Delaware State Fire School on December 16<sup>th</sup>. There was a successful turnout of forty fire companies out of the 60 statewide. He was extremely satisfied with the turnout. It was an informative meeting that accomplished moving forward with positive communication. Chairman Marvel expressed gratitude to Director Newnam and Ms. Lambertson for the needed preparations of the meeting. Commissioner Betts echoed the feelings of Chairman Marvel.

## **GENERAL INFORMATION**

### **Legislative and Regulation Working Group – DVFA President Comment**

Jay Jones, President of the DVFA stated that he felt the public working group went very well and he is looking forward to progress.

## **CORRESPONDENCE**

None.

## **MISCELLANEOUS INFORMATION**

None.

## **REPORT OF THE COMMISSIONERS**

### **Chairman Marvel**

Chairman Marvel reported that he attended the Monthly Commission Meeting, Legislative Hall R & R Committee Meeting, Kent County Firefighters meeting, Sussex County Fire Chiefs Meeting, Sussex County Fire Chiefs Meeting, DVFA Officers Meeting, Sussex Firefighters Meeting, Delaware Opioid Meeting, DVFA Loan Meeting, DVFA Executive Meeting, DVFA Loan Meeting, CFSI Meeting in Washington D.C., SERC Meeting, Governor Carney Meeting, New Castle County Firefighters Meeting and Legislative Working Group Public Meeting.

### **Vice Chairman Robinson**

Vice Chairman Robinson reported that he attended the Monthly Commission Meeting, Citizens Hose Fire Company Meeting, Citizens Hose Board of Director Meeting, DEMSOC Meeting, and Kent County Volunteer Firefighters Association Meeting.

### **Commissioner Truitt**

Commissioner Truitt reported that she attended the Monthly Commission Meeting, Sussex County Chief's Meeting and Lewes Fire Company Fire Safety.

**DATE OF NEXT MEETING**

January 21, 2020 – 9:00 AM  
Commission Chamber  
Delaware Fire Service Center  
1463 Chestnut Grove Road  
Dover, DE 19904

**ADJOURNMENT**

It was moved by Commissioner Truitt, seconded by Vice Chairman Robinson that the meeting be adjourned. Motion carried by a unanimous vote. The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

*Sherry R. Lambertson*

Sherry R. Lambertson  
Executive Specialist

sl/